

Notice of Allowability

Application No.

10/754,794

Examiner

Kevin L. McHenry

Applicant(s)

COUGHLIN ET AL.

Art Unit

1725

PH

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 9 November 2004.
2. ☒ The allowed claim(s) is/are 46-50 and 73.
3. ☒ The drawings filed on 09 January 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/034,154.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application:

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 1/9/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 110904
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Fisher on 9 November 2004.

The application has been amended as follows:

In paragraph 1 of the specification, insert –which is now U.S. Patent 6,717,093– after “December 27, 2001,”

In paragraph 21 of the specification, in line 3, replace “78” with –77–

Replace claim 73 with the following:

73. A method for attaching a spiral welded roof on a hopper car including a plurality of bulkheads and a plurality of sidewalls, said method comprising the steps of:
forming a spiral welded cylinder;
cutting the spiral welded cylinder to make at least one spiral welded roof;
positioning the spiral welded roof over the bulkheads and extending over the sidewalls; and
welding the spiral welded roof to the bulkheads and the sidewalls.

Allowable Subject Matter

2. Claims 46-50 and 73 are allowed.
3. The following is an examiner's statement of reasons for allowance: the instant application is deemed to be a nonobvious improvement over the inventions of Needham (U.S.P. 3,547,047) and Adler et al. (U.S.P. Re. 32,189). The improvements comprise jacketing a tank car by lifting a first, and subsequently second, cylinder with a longitudinal cut so that its bottom edges separate to create a radius greater than the radius of the tank car, positioning the cylinder over a tank car, and welding the first and second cylinders together; attaching a spiral welded roof to a hopper car.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Needham (U.S.P. 3,547,047), Adler et al. (U.S.P. Re. 32,189), Spees (U.S.P. 3,282,228), Phillips (U.S.P. 3,487,532), Albert et al. (U.S.P. 3,159,911), Bowcutt et al. (U.S.P. 3,374,528), Brown (U.S.P. 3,475,809), Kruizenga et al. (U.S.P. 3,479,724), Geyer et al. (U.S.P. 3,540,115), and Lobko et al. (U.S.P. 5,468,117) are cited of interest for illustrating the state of the art in methods of making rail cars.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin L. McHenry whose telephone number is (571) 272-1181. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin McHenry

KILEY S. STONER
PRIMARY EXAMINER

Kiley Stoner 11/15/04